

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANN STREET HOPFAUF,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

Case No. C10-1511-MJP-JPD

REPORT AND RECOMMENDATION

Plaintiff brought this action to seek judicial review of the denial of her application for disability benefits by the Commissioner of the Social Security Administration. Dkt. 3. The parties have stipulated that this case should be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 19.

Based on the stipulation of the parties, the Court recommends that this case be REVERSED and REMANDED for further administrative proceedings. The parties have stipulated that on remand, the Administrative Law Judge (ALJ) shall re-evaluate the medical evidence as a whole. The ALJ shall reconsider plaintiff's impairments at step two, including but not limited to, her Epstein-Barr, Chronic Fatigue Syndrome, and headaches. The ALJ shall obtain medical expert testimony to assist in clarifying the severity of plaintiff's impairments

1 prior to plaintiff's date last insured of March 31, 2006. The ALJ shall reconsider plaintiff's  
2 subjective allegations. Based on a de novo evaluation of the evidence, the ALJ shall reassess  
3 plaintiff's residual functional capacity. The ALJ shall also obtain vocational expert testimony.  
4 If necessary, the ALJ shall provide a new step four and five analysis. Upon proper presentation,  
5 the Court will consider plaintiff's application for attorney fees under the Equal Access to Justice  
6 Act and 406(b), if appropriate.

7 A proposed order accompanies this Report and Recommendation.

8 DATED this 6th day of May, 2011.

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10 JAMES P. DONOHUE  
11 United States Magistrate Judge  
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